IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

OP.No. 3684 of 1999(L)
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PETITIONER:
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A.S. SHAJI, S/O. MYTHEEN RAWTHER, ARAKKAPARAMBIL HOUSE, THODUPUZHA, IDUKKI DIST.

BY ADV. SRI.G.HARIHARAN

RESPONDENTS:
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1. JOINT REGIONAL TRANSPORT OFFICER, KOTHAMANGALAM.

2. TAHSILDAR (RR), TALUK OFFICE, THODUPUZHA.

3. VILLAGE OFFICER, THODUPUZHA.

4. RAMACHANDRAN NAIR, S/O. NARAYANAN NAIR, THADATHIL HOUSE, THRIKKARIYOOR VILLAGE, VIA. KOTHAMANGALAM.

R1 TO R3 BY GOVERNMENT PLEADER SRI. MOHAMMED RAFFIQ

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/06/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 6185 OF 1999 IN OP 3684 OF 1999

DISMISSED

15.6.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE DEMAND NOTICE DATED 27.1.99 ISSUED BY THE 2ND RESPONDENT.

EXT.P2 TRUE COPY OF THE NOTICE HEARING OF APPEAL NOS. 2/98 & 3/98 FILED BY THE PETITIONER POSTED FOR HEARING BY THE DEPUTY TRANSPORT COMMISSIONER, CENTRAL ZONE II, ERNAKULAM.

EXT.P3 TRUE COPY OF THE ACKNOWLEDGEMENT DATED 8.10.96 ISSUED BY THE FIRST RESPONDENT ON 8.10.96

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

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O.P. No. 3684 of 1999

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Dated this the 15th day of June, 2007

JUDGMENT

O.P. is filed challenging the demand against motor vehicle tax in respect of contract carriage bearing registration No. KBV 2673. Petitioner's case is that registered owner of the vehicle is another person who is fourth respondent in the O.P. However, it is seen from the counter statement that the vehicle was purchased by the petitioner from the fourth respondent and copy of the sale deed was produced before the RTO. In fact petitioner himself filed an earlier O.P., as O.P.No. 2808 of 1998 which was dismissed by this Court leaving freedom to the petitioner to contest the tax demand in appeal. Petitioner has filed appeal which is also disposed of on 27.8.1998. Since motor vehicle tax can be recovered from the person who is in control and possession of the vehicle, petitioner is obviously liable. O.P. is therefore devoid of any merit and is dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge